

Regular Session, 2009

SENATE BILL NO. 261

BY SENATOR DONAHUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE AGENCIES. Provides for streamlining state government. (gov sig)

AN ACT

To enact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:101 through 109, relative to streamlining state government; to create the Commission on Streamlining Government and provide for the membership, powers, duties, and functions of the commission; to provide a procedure for the submission, consideration, approval, and implementation of recommendations of the Commission on Streamlining Government; to provide for staff support and finances for the commission; to provide for cooperation with and support for the commission; to provide for the applicability of other laws; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:101 through 109, is hereby enacted to read as follows:

PART II. STREAMLINING GOVERNMENT

§101. Purpose and findings

A. The state of Louisiana faces a severe decline in revenues through fiscal year 2012 which, if no corrective action is taken, will leave a significant

1 funding gap in state government expenditures and will create serious
2 sustainability issues in financing of state obligations.

3 B. It is essential that the state act now to reduce the cost of state
4 government, through all means available, including efficiencies, economies,
5 greater effectiveness, and other means to streamline government in order to
6 overcome the projected severe revenue reductions occurring through 2012 and
7 to ensure that available state tax dollars are being spent efficiently and
8 effectively. Many state agencies were created over thirty years ago and a review
9 of all agencies and its activities, functions, programs, and services is needed to
10 determine whether the purpose served by the agency or activity, function,
11 program, or service continues to be relevant.

12 §102. Definitions

13 As used in this Part, the following terms shall have the following
14 meanings, unless the context requires otherwise:

15 (1) "Activity" means a distinct subset of functions or services within a
16 program.

17 (2) "Agency" means and includes any office, department, board,
18 commission, institution, division, office, instrumentality, officer or other person,
19 or functional group, heretofore existing or hereafter created, that is authorized
20 to exercise, or that does exercise, any functions in the executive branch of state
21 government.

22 (3) "Commission" means the Commission on Streamlining Government.

23 (4) "Functions" means duties, jurisdiction, powers, rights, and
24 obligations, conferred or imposed upon, or vested in, any agency by law, or
25 exercised, performed, or discharged by any agency without contravention of
26 any provision of law.

27 (5) "Objective" is a specific and measurable target for achievement
28 which describes the exact results sought, which is expressed in an
29 outcome-oriented statement that may reflect effectiveness, efficiency, or quality

1 of work, and which may be either numeric or non-numeric.

2 (6) "Performance indicator" means a statement identifying an activity,
3 input, output, outcome, achievement, ratio, efficiency, or quality to be measured
4 relative to a particular goal or objective in order to assess an agency's
5 performance. Performance indicator shall also mean measurement of any other
6 aspect of performance as determined by rule issued by the commissioner of
7 administration under the provisions of the Administrative Procedure Act.

8 (7) "Performance standard" means the expected level of performance
9 associated with a particular performance indicator for a particular period.

10 (8) "Program" means a grouping of activities directed toward the
11 accomplishment of a clearly defined objective or set of objectives.

12 (9) "Quality" means degree or grade of excellence.

13 §103. Commission on Streamlining Government; established

14 A. There is established the Commission on Streamlining Government to
15 examine each agency's constitutional and statutory activities, functions,
16 programs, services, powers, duties, and responsibilities to determine which of
17 these activities, functions, programs, services, powers, duties, and
18 responsibilities can be (1) eliminated, (2) streamlined, (3) consolidated, (4)
19 privatized, or (5) outsourced in an effort to reduce the size of state government.

20 B. The commission shall target agencies whose activities, functions,
21 programs, or services can be consolidated or eliminated, in addition to
22 identifying opportunities for privatizing and outsourcing current state activities,
23 functions, programs, or services.

24 C. The commission shall examine the necessity and performance of
25 activities, functions, programs, and services to ensure that they are meeting
26 current performance standards effectively and efficiently and they are meeting
27 the needs of Louisiana citizens.

28 D. The commission shall be composed of thirteen members as follows,
29 seven of which shall form a quorum:

1 (1) The commissioner of administration, or the commissioner's designee.

2 (2) The speaker of the House of Representatives, or the speaker's
3 designee.

4 (3) The president of the Senate, or the president's designee.

5 (4) The state treasurer, or the treasurer's designee.

6 (5) The secretary of the Department of Health and Hospitals, or the
7 secretary's designee.

8 (6) The secretary of the Department of Natural Resources, or the
9 secretary's designee.

10 (7) The executive director of the Louisiana Workforce Commission, or
11 the director's designee.

12 (8) The chairman of the House Committee on Appropriations, or the
13 chairman's designee.

14 (9) The chairman of the Senate Committee on Finance, or the chairman's
15 designee.

16 (10) Two individuals engaged in private enterprise, appointed by the
17 governor, which individuals shall be subject to Senate confirmation.

18 (11) One individual engaged in private enterprise, appointed by the
19 speaker of the House of Representatives, which individual shall be subject to
20 Senate confirmation.

21 (12) One individual selected from a list of three individuals nominated
22 by the AFL/CIO, and appointed by the president of the Senate, which individual
23 shall be subject to Senate confirmation.

24 E. The commission may hold public hearings as part of its evaluation
25 process, and may appoint advisory groups to conduct studies, research or
26 analyses, and make reports and recommendations with respect to a matter
27 within the jurisdiction of the commission. At least one member of the
28 commission shall serve on each advisory group.

29 §104. Procedure

1 A. Reports submitted by the Commission on Streamlining Government
2 pursuant to this Section may include any of or any combination of the following:

3 (1) Recommendations to eliminate, streamline, consolidate, privatize, or
4 outsource constitutional and statutory agency activities, functions, programs,
5 services, powers, duties, and responsibilities to provide the same or greater type
6 and quality of activity, function, program, or service that will result in cost
7 reduction or greater efficiency or effectiveness.

8 (2) Recommendations to ensure that agency activities, functions,
9 programs, and services are not duplicative and are necessary, meeting or
10 exceeding performance standards, and meeting the needs of Louisiana citizens.

11 (3) Recommendations for the elimination, consolidation, privatization,
12 or outsourcing of an agency to provide a more cost efficient or more effective
13 manner of providing an activity, function, program, or service.

14 (4) Recommendations providing for the use of alternative resources to
15 the operation of agencies, activities, functions, programs, and services to
16 provide a more cost-effective manner without impacting the quality or
17 availability of needed services.

18 (5) Recommendations for standards, processes, and guidelines for
19 agencies to use in order to review and evaluate government activities, functions,
20 programs, and services to eliminate, streamline, consolidate, privatize, or
21 outsource.

22 B.(1) The commission shall submit an initial report of its
23 recommendations, including recommendations requiring legislation or
24 administrative action, to the governor, the president of the Senate, the speaker
25 of the House of Representatives, the Senate and Governmental Affairs
26 Committee, the House and Governmental Affairs Committee, and the
27 commissioner of administration no later than December 15, 2009.

28 (2) The commission shall prepare the recommendations in the report as
29 a reorganization plan and submit the plan to the Senate and Governmental

1 Affairs Committee and the House and Governmental Affairs Committee for
2 consideration by January 4, 2010 and the committees, meeting as a joint
3 committee, shall review the plan by February 1, 2010.

4 (3) Executive and legislative action as may be necessary to implement the
5 reorganization plan as approved or modified by the two committees meeting
6 jointly shall be taken as soon as possible.

7 C. The commission shall submit a report annually before January first
8 consisting of the status and implementation of the reorganization plan approved
9 by the Senate and Governmental Affairs Committee and the House and
10 Governmental Affairs Committee to the governor, the president of the Senate,
11 the speaker of the House of Representatives, the Senate and Governmental
12 Affairs Committee, the House and Governmental Affairs Committee, and the
13 commissioner of administration.

14 §105. Staff support

15 The staffs of the Senate, House of Representatives, Legislative Fiscal
16 Office, legislative auditor, office of the governor, and division of administration
17 shall provide staff support and otherwise assist the commission as requested by
18 the commission.

19 §106. Agency cooperation and assistance

20 A. Each agency and political subdivision shall furnish aid, services, and
21 assistance as may be requested by the commission.

22 B. To the extent permitted by and in accordance with R.S. 44:1 et seq.,
23 each officer, agency, and political subdivision shall make available all facts,
24 records, information, and data requested by the commission and in all ways
25 cooperate with the commission in carrying out the functions and duties imposed
26 by this Part.

27 §107. Finances

28 A. The commission may apply for, contract for, receive, and expend for
29 purpose of this Part any appropriation or grant from the state, its political

subdivisions, the federal government, or any other public or private source.

B. The books and records of the commission shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

§108. Effect on other law

This Part shall not be deemed to supercede or limit the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

§109. Termination of Part

This Part shall become null and of no effect on January 12, 2012.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

DIGEST

Donahue (SB 261)

Proposed law establishes the Commission on Streamlining Government to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities, and to determine which of these activities, functions, programs, services, powers, duties, and responsibilities can be (1) eliminated, (2) streamlined, (3) consolidated, (4) privatized, or (5) outsourced in an effort to reduce the size of state government.

Proposed law provides that the commission is to target agencies whose activities, functions, programs, or services can be consolidated or eliminated, in addition to identifying opportunities for privatizing and outsourcing current state activities, functions, programs, or services.

Proposed law provides that the commission is to examine the necessity and performance of activities, functions, programs, and services in order to ensure that they are meeting current performance standards effectively and efficiently, and that they are meeting the needs of Louisiana citizens.

Proposed law provides that the commission will be composed of thirteen members as follows, seven of which will form a quorum:

- (1) The commissioner of administration, or the commissioner's designee.
- (2) The speaker of the House of Representatives, or the speaker's designee.

- (3) The president of the Senate, or the president's designee.
- (4) The state treasurer, or the treasurer's designee.
- (5) The secretary of the Department of Health and Hospitals, or the secretary's designee.
- (6) The secretary of the Department of Natural Resources, or the secretary's designee.
- (7) The executive director of the Louisiana Workforce Commission, or the director's designee.
- (8) The chairman of the House Committee on Appropriations, or the chairman's designee.
- (9) The chairman of the Senate Committee on Finance, or the chairman's designee.
- (10) Two individuals engaged in private enterprise, appointed by the governor, which individuals shall be subject to Senate confirmation.
- (11) One individual engaged in private enterprise, appointed by the speaker of the House of Representatives, which individual shall be subject to Senate confirmation.
- (12) One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the president of the Senate, which individual shall be subject to Senate confirmation.

Proposed law provides that the commission may hold public hearings as part of its evaluation process, and may appoint advisory groups to conduct studies, research or analyses, and make reports and recommendations with respect to a matter within the jurisdiction of the commission. Proposed law provides that at least one member of the commission will serve on each advisory group.

Proposed law requires that reports submitted by the Commission on Streamlining Government pursuant to proposed law may include any, or any combination, of the following:

- (1) Recommendations to eliminate, streamline, consolidate, privatize, or outsource constitutional and statutory agency activities, functions, programs, services, powers, duties, and responsibilities to provide the same or greater type and quality of activity, function, program, or service that will result in cost reduction or greater efficiency or effectiveness.
- (2) Recommendations to ensure that agency activities, functions, programs, and services are necessary, meeting or exceeding performance standards, and meeting the needs of Louisiana citizens.
- (3) Recommendations for the elimination, consolidation, privatization, or outsourcing of an agency to provide a more cost efficient or more effective manner of providing an activity, function, program, or service.
- (4) Recommendations providing for the use of alternative resources to the operation of agencies, activities, functions, programs, and services to provide a more cost-effective manner without impacting the quality or availability of needed services.
- (5) Recommendations for standards, processes, and guidelines for agencies to use in order to review and evaluate government activities, functions, programs, and services to eliminate, streamline, consolidate, privatize, or outsource.

Proposed law requires the commission to submit an initial report of its recommendations, including recommendations requiring legislation or administrative action, to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration, no later than 12/15/09. Proposed law requires that the commission prepare the recommendations in the report as a reorganization plan and submit the plan to the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee for consideration by 1/4/10. Proposed law provides that the committees, meeting as a joint committee, shall review the reorganization plan by 2/1/10, and may recommend adoption of the plan with such additions, deletions, or modifications to the plan as the two committees meeting jointly deem necessary.

Proposed law requires that legislative and executive action necessary to implement the approved reorganization plan be taken by as soon as possible.

Proposed law requires the commission to provide a report annually before January 1st consisting of the status and implementation of the reorganization plan approved by the Senate and Governmental Affairs Committee and the House and Governmental Affairs Committee to the governor, the Senate president, the House speaker, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, and the commissioner of administration.

Proposed law provides that the staffs of the Senate, House of Representatives, Legislative Fiscal Office, Legislative Auditor, office of the governor, and division of administration are to provide staff support and otherwise assist the commission as requested by the commission.

Proposed law requires each agency and political subdivision to furnish aid, services, and assistance as may be requested by the commission. Proposed law requires, to the extent permitted by the public records law, that each officer, agency, and political subdivision make available all facts, records, information, and data requested by the commission, and in all ways cooperate with the commission in carrying out the functions and duties imposed by proposed law.

Proposed law authorizes the commission to apply for, contract for, receive, and expend for the purpose of proposed law any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source. Proposed law further provides that the books and records of the commission are subject to audit by the legislative auditor.

Proposed law provides that proposed law will not be deemed to supercede or limit present law regarding the review and re-creation of state agencies.

Proposed law will become null and of no effect on 1/12/12.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 24:101-109)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Technical amendment conforming the language of the bill to the language of the executive order by deleting the word "State" from "Commission on Streamlining State Government" where appropriate.

2. Establishes the Commission on Streamlining Government to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities and to determine which of these activities, functions, programs, services, powers, duties, and responsibilities can be (1) eliminated, (2) streamlined, (3) consolidated, (4) privatized, or (5) outsourced in an effort to reduce the size of state government.
3. Provides that the commission will target agencies whose activities, functions, programs, or services can be consolidated or eliminated, in addition to identifying opportunities for privatizing and outsourcing current state activities, functions, programs, or services.
4. Provides that the commission will examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and they are meeting the needs of Louisiana citizens.
5. Provides that the commission will be composed of 13 members as follows, seven of which shall form a quorum:
 - a. The commissioner of administration, as the governor's designee.
 - b. The speaker of the House of Representatives, or the speaker's designee.
 - c. The president of the Senate or the president's designee.
 - d. The state treasurer or the treasurer's designee.
 - e. The secretary of the Department of Health and Hospitals or the secretary's designee.
 - f. The secretary of the Department of Natural Resources or the secretary's designee.
 - g. The executive director of the Louisiana Workforce Commission or the director's designee.
 - h. The chairman of the House Committee on Appropriations or the chairman's designee.
 - i. The chairman of the Senate Committee on Finance or the chairman's designee.
 - j. Two individuals engaged in private enterprise, appointed by the governor, which individuals shall be subject to Senate confirmation.
 - k. One individual engaged in private enterprise, appointed by the speaker of the House of Representatives, which individual shall be subject to Senate confirmation.
 - l. One individual selected from a list of three individuals nominated by the AFL/CIO, and appointed by the president of the Senate, which individual shall be subject to Senate confirmation.
6. Provides that the commission may hold public hearings as part of its evaluation process, and may appoint advisory groups to conduct studies, research or analyses, and make reports and recommendations with respect to

a matter within the jurisdiction of the commission. At least one member of the commission shall serve on each advisory group.

7. Provides that the committees, meeting as a joint committee, shall review the reorganization plan by 2/1/10, and may recommend adoption of the plan with such additions, deletions, or modifications to the plan as the two committees meeting jointly deem necessary.
8. Provides that executive and legislative action as may be necessary to implement the approved reorganization plan will be taken as soon as possible.